



Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

REC'D

JUL 28 1995

Ex parte ERIC S. ABRUTYN, LOUIS J. SCARFO  
and RICHARD C. CHROMECEK

Appeal No. 95-2923  
Application 08/058,163<sup>1</sup>

MAILED

JUL 24 1995

ORDER REMANDING TO EXAMINER

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

On November 22, 1993, the applicant filed an amendment (Paper No. 6) designated as Amendment "B". The amendment has a notation "NE" in red indicating that an amendment to Column 19, line 27 was not entered. While the Examiner appears to have communicated to the applicant an explanation of why the term in question was added in the Office action entered May 16, 1994 (Paper No. 7), there is no clear statement indicating that the amendment will or will not be entered. It is noted that the Appendix of the claims on appeal have the term in question deleted line 4 of claim 1.

<sup>1</sup> Application for patent filed May 4, 1993.

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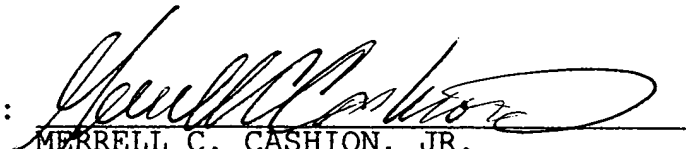
Accordingly, it is

ORDERED that the application is remanded to the Examiner for clarification of the status of Paper No. 6 and for such further action as may be appropriate.

The application, by virtue of its "special" status, requires immediate action. See Manual of Patent Examining Procedure, § 708.01(d). It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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